

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Jeffrey Robert Wright,

Debtor.

BKY 04-43298

Chapter 13

NOTICE OF HEARING REGARDING PRE-CONFIRMATION MODIFIED PLAN

TO: Jasmine Keller, Chapter 13 Trustee; U. S. Trustee, and other parties in interest.

1. Jeffrey Robert Wright ("Debtor"), by the undersigned attorney, moves the Court for the relief requested below and gives notice of hearing.

2. A hearing on the motion to confirm the pre-confirmation modified plan will be held in Courtroom 7 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota, on October 7, 2004 at 10:30 a.m., or as soon thereafter as counsel can be heard.

3. Any response to the motion must be mailed and delivered not later than 10:30 a.m. on October 6, 2004, which is 24 hours before the time set for hearing or filed and served by mail no later than October 4, 2004 which is three days before the hearing date. UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. A petition commencing this case was filed on June 10, 2004 and this case is now pending in this Court. This Court has jurisdiction over this modification pursuant to 28 U.S.C. §§ 157 and 1334, Fed.R.Bankr.P. 5005 and Local Rule 3015-2.

5. The Debtor filed a Modified Plan dated September 7, 2004 ("Modified Plan"). The Modified Plan has been filed and served contemporaneous with the filing and service of this notice.

6. The Debtor proposes the modification of the plan as follows: (1) to provide additional terms requiring the debtor to timely file post-petition federal tax returns, to timely pay post-petition federal income taxes, and to remain current on payments due under the modified plan; (2) to provide expedited relief to the Internal Revenue Service to obtain dismissal of the case in the event of default; and (3) to prevent re-filing of a chapter 13 case for a year after any dismissal of this case.

7. The modification of the plan will have no adverse impact on any creditor. The modified plan is filed to effectuate settlement of the objection of the Internal Revenue Service to confirmation.

8. Based on the information available to him at this time, the Debtor believes he will be able to comply with the terms of the Modified Plan, barring unforeseen circumstances.

9. Section 1325 of the Bankruptcy Code provides that a Court shall confirm a plan if the plan (1) complies with the provisions of the Bankruptcy Code; (2) has been proposed in good faith; (3) provides that the value of property to be distributed under the plan on account of allowed unsecured claims be not less than the amount that would be paid on such claims in a Chapter 7 case; and (4) provides, with respect to allowed secured claims that the holder retain the lien and be paid on the value of the allowed amount of such secured claims; and if the debtor will be able to make all payments under the plan and has paid any fees required to be paid under Title 28.

10. The Debtor's Modified Plan satisfies the requirements of Section 1325 for confirmation of a plan.

WHEREFORE, the Debtor requests an Order confirming the Modified Plan; and granting of any other relief the Court deems just and proper.

HENSON & EFRON, P.A.

Dated: September 27, 2004

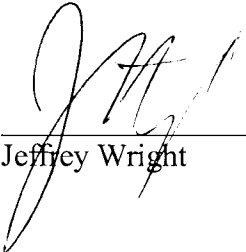
/e/ Mary L. Cox
William I. Kampf (#53387)
Mary L. Cox (#176552)
220 South Sixth Street, Suite 1800
Minneapolis MN 55402
Telephone: 612-339-2500

Attorneys for the Debtor

VERIFICATION

I, Jeffrey Wright, the Debtor, hereby certify under penalty of perjury, that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief.

Dated: September 16, 2004



Jeffrey Wright

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

**MODIFIED
CHAPTER 13 PLAN**

In re:

Jeffrey Robert Wright

DATED: September 16, 2004

Case No. 04-43298

Debtor(s).

1. PAYMENTS BY DEBTOR.

- (a) As of September 16, 2004, the debtor has paid the trustee \$2,200.
- (b) After the date of this Chapter 13 Plan, the debtor will pay the trustee \$1,100.00 per month for 51 months, beginning in October, 2004. The payments may be made twice a month by payroll deduction; the payroll remittance for the second paycheck in the month may be received after the first day of the following month.
- (c) Not applicable.
- (d) The debtor will pay the trustee a total of \$58,300.00 [line 1a + line 1b + line 1c].

- 2. PAYMENTS BY TRUSTEE.** The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 6.0 percent for a total of \$3,498.00 [line 1d x \$.06] or such amount as may be fixed by the Attorney General not to exceed 10%. For purposes of this plan, month one is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation. Debtors will increase plan payments, if necessary, to pay any increase in trustee's fee in excess of the budgeted amount of 6%.

- 3. PRIORITY CLAIMS.** The trustee shall pay in full all claims entitled to priority under §507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

		Estimated Claim Amount	Monthly Payment	Beginning in month #	No of payments	Total Payments
(a)	Attorney Fees	\$ 4,000.00	\$ 1,034.00	1	4	\$ 4,000.00
(b)	Internal Revenue Service	\$33,703.23	\$ 854.39	9		\$33,703.23
(c)	Minnesota Dept of Revenue	\$ 7,085.00	\$ 179.61	9		\$ 7,085.00
(d)						
(e)	Total					\$44,788.23

- 4. LONG TERM SECURED CLAIMS NOT IN DEFAULT.** The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors.

- (a) None
- (b)
- (c)

- 5. HOME MORTGAGE(S) IN DEFAULT [§1322(b)(5)].** The trustee will cure defaults (plus interest at the rate of 8 percent per annum) on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

	Creditor	Amount Default	Monthly Pmt	Beginning in Month #	Number of Payments	Total Payments
(a)	None	\$ _____	\$ _____	_____	_____	\$ _____
(b)		\$ _____	\$ _____	_____	_____	\$ _____
(c)		\$ _____	\$ _____	_____	_____	\$ _____

6. **OTHER LONG TERM CLAIMS IN DEFAULT [§1322(b)(5)].** The trustee will cure defaults (plus interest at the rate of 8 percent per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

	Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	Total Pmts
(a)	None	\$ _____	\$ _____	_____	_____	\$ _____
(b)	_____	\$ _____	\$ _____	_____	_____	\$ _____

7. **OTHER SECURED CLAIMS [§1325(a)(5)].** The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 8 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. **NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. §1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. §506(a).**

	Creditor	Claim Amount	Secured Claim	Monthly Payment	Begin Mo. #	# of Pymts	Total Pmts
(a)	IRS	\$ 6,275.15	\$ 3,760.00	\$ 1,218.75	5	3	
				\$ 180.77	8	1	\$ 3,837.02
(b)		\$	\$	\$			\$
(c)		\$	\$	\$			\$

8. **SEPARATE CLASS OF UNSECURED CREDITORS.** In addition to the class of unsecured creditors specified in ¶ 9, there shall be a separate class of unsecured creditors holding allowed non-priority claims described as follows: _____.

- (a) The debtor estimates that the total claims in this class are \$ _____.
- (b) The trustee shall pay this class \$ _____.

9. **TIMELY FILED UNSECURED CREDITORS.** The trustee will pay holders of non-priority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶¶ 2, 3, 5, 6, 7, and 8 their pro rata share of approximately \$6,176.75 [line 1d minus lines 2, 3e, 5d, 6d, 7d, and 8b].

- (a) The debtor estimates that the total unsecured claims held by creditors listed in ¶7 are \$2,515.15.
- (b) The debtor estimates that the debtor's total unsecured claims (excluding those in ¶7 and 8) are \$129,082.00.
- (c) Total estimated unsecured claims are \$131,597.15 [line 9(a) plus line 9(b)].

10. **TARDILY FILED ALLOWED UNSECURED CREDITORS.** All money paid by the debtor to the trustee under ¶1, but not distributed by the trustee under ¶¶ 2, 3, 5, 6, 7, 8, 9 or 11 shall be paid to holders of allowed, non-priority unsecured claims for which proofs of claim were tardily filed but to which the debtor or other party in interest has not filed an objection to allowance of same by the date on which the trustee would otherwise commence distribution to this class of creditors.

11. OTHER PROVISIONS.

Scheduled property of the estate that is not claimed exempt shall not re-vest in the Debtor(s) upon confirmation and instead shall vest in the Debtor(s) upon discharge, dismissal or conversion. See attached for addendum of additional provisions.

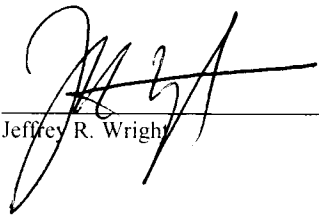
12. SUMMARY OF PAYMENTS.

Trustee's Fee	\$ 3,498.00
Priority Claims	\$44,788.23
Home Mortgage Defaults	\$ 0
Long Term Debt Defaults	\$ 0
Other Secured Claims	\$ 3,837.02
Separate Class	\$ 0
Unsecured Creditors	\$ 6,176.75
Total (must equal line 1d)	\$58,300.00

In re BKY 04-43298

CHAPTER 13 PLAN

Mary L. Cox (176552)
Henson & Efron, P.A.
220 South Sixth Street, Suite 1800
Minneapolis, Minnesota 55402
612-339-2500



Jeffrey R. Wright

ADDENDUM TO CHAPTER 13 PLAN

1. The debtor will file as and when due, without seeking extensions of time, any and all post petition federal income tax returns and will timely pay any post petition federal income taxes. Should the debtor default on the timely filing of returns, and/or payment of federal income tax, the IRS will be entitled to an ex-parte order for dismissal of this case without notice or hearing on the filing of an affidavit with the Court that attests to such default and also that the Internal Revenue Service had mailed a letter by first class mail to debtor and debtor's counsel that gave notice of said default and a 30 day period to cure and that such a cure had not been performed.
2. The debtor will stay current on all payments to the Chapter 13 Trustee. Should the debtor fall behind on the payments to the Trustee the Internal Revenue Service will be entitled to an ex-parte order for dismissal of this case without notice or hearing on the filing of an affidavit with the Court that attests to such default and also that the Internal Revenue Service had mailed a letter by first class mail to debtor and debtor's counsel that gave notice of said default and a 30 days period to cure and that such a cure had not been performed.
3. If an order to dismiss the debtor's case is entered by the Court per the provisions found in the above paragraphs #1 or #2, then the IRS will also be entitled to an order that bars the debtor from re-filing another Chapter 13 bankruptcy case for a period of 365 days from the date of this order.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY 04-43298

Jeffrey Robert Wright,

Debtor.

PROOF OF SERVICE

The undersigned states that she is an employee of Henson & Efron, P.A., and in the course of said employment, on the date indicated below, she served the following:

Notice of Hearing Regarding Pre-Confirmation Modified Plan; Modified Chapter 13 Plan; and Proof of Service

on the entities named below and/or on the attached service by enclosing true and correct copies of same in an envelope, properly addressed and postage prepaid, and depositing same in the United States mail, unless otherwise noted; and that she certifies the foregoing under penalty of perjury.

United States Trustee
300 South Fourth Street
1015 U.S. Courthouse
Minneapolis, MN 55415

Jasmine Z. Keller
Chapter 13 Trustee's Office
12 South Sixth St, Ste 310
Minneapolis, MN 55402

Roylene A. Champeaux
Assistant U.S. Attorney
300 South Fourth St, Ste 600
Minneapolis, MN 55415

Kenneth E. Keate
Keate Law Office, P.A.
1102 Grand Avenue
St. Paul, MN 55105

Dated: September 27, 2004

/e/ Tawney Jameson